

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION**

MCLAWRENCE FULLER	*	CIVIL ACTION NO. 5:17-CV-408
	*	
VERSUS	*	JUDGE HICKS
	*	
D.L. PETERSON TRUST CO., ET AL	*	MAGISTRATE HAYES
	*	

**MEMORANDUM IN REPLY TO MEMORANDUM IN OPPOSITION TO
DEFENDANTS' MOTION FOR SANCTION**

MAY IT PLEASE THE COURT:

This Memorandum is submitted on behalf of Plaintiffs- in-Concursus and Defendants in the underlying matter, Adam M. Keys, National Oilwell Varco, L.P., D.L. Peterson Trust Co. and National Union Fire Insurance Company of Pittsburgh, PA (hereinafter sometimes referred to as "Plaintiffs/Defendants"), in reply to the Memorandum in Opposition to Defendants' Motion for Sanctions submitted by S.P. Davis, Davis Law Office and McLawrence Fuller. As set forth more fully in previously submitted Memoranda, S.P. Davis, Sr., the Davis Law Office, L.L.C. and McLawrence Fuller request that Plaintiffs/ Defendants deposit significant amounts in this Interpleader/Concursus action, in addition to the Judgment proceeds already deposited with this Court, including additional legal interest. Davis and Mr. Fuller have also continued to claim costs for medical records, medical experts' fees and trial costs incurred by plaintiffs in the underlying matter which have already been paid by Defendants.¹

¹ In fact, just recently, and after all of the briefing on this issue, on September 25, 2018, counsel for Mr. Davis forwarded email correspondence to the undersigned again asserting that Plaintiffs/Defendants had not paid the costs incurred by Mr. Davis in connection with copies of medical records for trial, to which the undersigned again, responded by forwarding a copy of the check issued to the Davis Law Office for these costs, which included confirmation of receipt of the check by the Davis Law Office.

In an effort to avoid further repetition and further unnecessary costs and fees in this matter, Plaintiffs/Defendants refer this Court to their original Memorandum in Support of Motion for Sanctions for the facts, law and argument in support of their Motion. Plaintiffs/Defendants will confine the remainder of this Reply Memorandum to addressing the allegations asserted by Defendants-in-Concursus that the undersigned has misrepresented to this Court or outright lied about serving counsel with the Motion for Sanctions twenty-one days prior to the filing of the same or on August 15, 2018, as required by the Federal Rules of Civil Procedure, Rule 11.

Attached hereto as Exhibit “1” to the undersigned’s Affidavit, Exhibit “A”, is a copy of the correspondence mailed on August 15, 2018 to both Mr. Andrew Lee Randall and Mr. A.M. Stroud, III, counsel for Defendants-in- Concursus, via U.S. Mail, at their physical addresses on record, and enclosing the Motion for Sanctions and Memorandum in Support. As referenced on the face of the correspondence, this same letter and the Motion and Memorandum were also forwarded the same date to both counsel via email to their electronic addresses on record. Attached as Exhibit “2” is the email generated by the undersigned’s assistant, Lacie Heidbrink, and forwarded to Mr. Randall and Mr. Stroud at 12:04 p.m. on August 15 2018, enclosing the same correspondence and the Motion and Memorandum. The undersigned and her associate, Jennifer Wells, were also copied on this email. At no time, did Ms. Heidbrink ever receive a notice that this email correspondence had not been properly delivered to Mr. Randall or Mr. Stroud, nor was the letter to both counsel which was sent via U.S. mail ever returned to the undersigned’s office as “undeliverable.” After receiving no response from either Mr. Randall or Mr. Stroud, as this Court’s records will show, Plaintiffs/Defendants filed their Motion for Sanctions, Memorandum in Support and accompanying

Certificate and Exhibits on September 14, 2018, thirty days after serving Defendants-in-Concursus with the Motion and Memorandum.²

Plaintiffs/Defendants have fully complied with the procedural requirements of Rule 11, and have again, been forced to expend further time and money to defend their actions in this matter. The continued attempts by Mr. Davis, his law office and their counsel to delay and compound this matter only serve to bolster Plaintiffs/Defendants arguments in favor of sanctions against them. As a result, and for the reasons more fully set forth in their Motion for Sanctions and Memorandum in Support, Plaintiffs-in-Concursus and Defendants in the underlying action, Adam M. Keys, National Oilwell Varco, L.P., D.L. Peterson Trust Co. and National Union Fire Insurance Company of Pittsburgh, PA, again, respectfully request that this Court grant their Motion for Sanctions against S.P. Davis, Sr., the Davis Law Office, L.L.C. and/or McLawrence Fuller, and order them to reimburse Plaintiffs-in-Concursus for the reasonable attorneys' fees and expenses incurred in filing the instant and related motions and memoranda. Plaintiffs-in-Concursus further request an opportunity to submit an itemization of attorneys' fees and costs incurred and for an order granting all other relief in which the Court may deem them entitled. In addition, Plaintiffs-in-Concursus respectfully request that this Court deny Defendants-in-Concursus' request for their own attorney's fees and costs, as this request is baseless.

² See Exhibit "A" attached hereto- Affidavit of the undersigned and attached Exhibits "1" and "2".

Respectfully submitted,

BY: s/Cynthia G. Sonnier
CYNTHIA G. SONNIER (#24651)
LEWIS BRISBOIS BISGAARD & SMITH
100 E. Vermilion Street, Suite 300
Lafayette, LA 70501
Phone : (337) 205-5778
Fax: (337) 504-3341

*Counsel for Adam M. Keys, National Oilwell Varco,
L.P., D.L. Peterson Trust Co. and National Union
Fire Insurance Company of Pittsburgh, PA*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on the 4th day of October, 2018, I electronically filed the foregoing Motion for Summary Judgment with the Clerk or Court using the CM/ECF system, which will send a Notice of Electronic Filing to all counsel of record who have registered to receive electronic service.

s/Cynthia G. Sonnier
CYNTHIA G. SONNIER